IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

MERCURY MULTIFAMILY	§	
MANAGEMENT, LLC AND MERCURY	§	
METROPLEX REAL ESTATE II, LLC,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. 3:16-CV-2557-D
	§	
PELEUS INSURANCE COMPANY,	§	
ENGLE MARTIN & ASSOCIATES, AND	§	
RIDGE BRENTON KIRN,	§	
	§	
Defendants.	§	

AGREED MOTION TO DISMISS WITH PREJUDICE

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs Mercury Multifamily Management, LLC and Mercury Metroplex Real Estate II, LLC (collectively, "Plaintiffs") and Defendant Peleus Insurance Company ("Defendant") have resolved and settled all claims and issues between them. Accordingly, Plaintiffs and Defendant respectfully move this to issue an Order dismissing all claims, actions, or causes of action Plaintiffs have asserted against Defendant in the above-styled case *with prejudice* to refiling of same or any part thereof, with all costs of suit to be taxed against the party incurring same.

Respectfully submitted,

RAIZNER SLANIA, LLP

By: /s/ Andrew P. Slania

Jeffrey L. Raizner Texas Bar No. 00784806 jeff@raiznerlaw.com Andrew P. Slania Texas Bar No. 24056338 aslania@raiznerlaw.com **Amy Bailey Hargis** Texas Bar No. 24078630 ahargis@raiznerlaw.com

2402 Dunlavy Street Houston, TX 77006

Telephone: 713-554-9099 Facsimile: 713-554-9098

COUNSEL FOR PLAINTIFFS

-and-

ZELLE LLP

By: <u>/s/ James W. Holbrook, III</u>

Steven J. Badger State Bar No. 01499050 sbadger@zelle.com James W. Holbrook, III Texas Bar No. 24032426 jholbrook@zelle.com Tyler J. McGuire tmcguire@zelle.com Texas Bar No. 24098080

901 Main Street, Suite 4000 Dallas, TX 75202-3975

Telephone: 214-742-3000 Facsimile: 214-760-8994

COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on all counsel of record on July 21, 2017 in accordance with the Federal Rules of Civil Procedure as follows:

Jeffrey L. Raizner
Andrew P. Slania
Amy Bailey Hargis
efile@raiznerlaw.com
RAIZNER SLANIA, LLP
2402 Dunlavy Street
Houston, TX 77006

Telephone: 713-554-9099 Facsimile: 713-554-9098

Counsel for Plaintiffs Mercury Multifamily Management, LLC and Mercury Metroplex Real Estate II, LLC

/s/ James W. Holbrook, III
James W. Holbrook, III